PATENT *fw*

Case Docket No. VTOB.033C1

Date: June 9, 2004

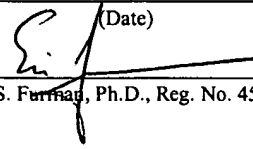
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mark Conkling  
Appl. No. : 10/729,121  
Filed : December 5, 2003  
For : MODIFYING NICOTINE AND  
NITROSAMINE LEVELS IN  
TOBACCO  
Examiner : Unassigned  
Group Art Unit : Unassigned

I hereby certify that this correspondence and all  
marked attachments are being deposited with the  
United States Postal Service as first class mail in  
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Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450, on

June 9, 2004

(Date)

  
Eric S. Furman, Ph.D., Reg. No. 45,664

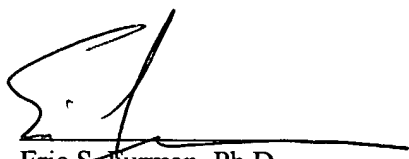
## TRANSMITTAL LETTER

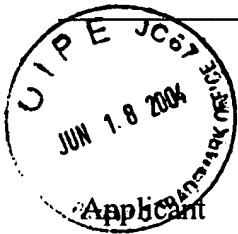
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 with four hundred and eight (408) references in three (3) boxes.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

  
Eric S. Furman, Ph.D.  
Registration No. 45,664  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

**INFORMATION DISCLOSURE STATEMENT**

Applicant	:	Mark Conkling
App. No.	:	10/729,121
Filed	:	December 5, 2003
For	:	MODIFYING NICOTINE NITROSAMINE LEVELS IN TOBACCO
Examiner	:	Unassigned
Group Art Unit	:	Unassigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing four hundred and eight (408) references in eighteen (18) pages that are also enclosed in three boxes. The first box encloses the references on pages 1 through 4 of the PTO form 1449. Box two encloses the references from pages 5 and 6 of PTO form 1449. Box three encloses the references from pages 7 through 18 of PTO form 1449.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

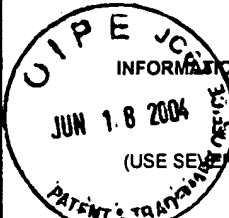
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 9, 2004

By: 

Eric S. Furman, Ph.D.  
Registration No. 45,664  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. VTOB.033C1	APPLICATION NO. 10/729,121
	APPLICANT Mark Conkling	
	FILING DATE December 5, 2003	GROUP Unassigned

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1.	RE38,123 E	05/27/03	Williams			
	2.	2001/0006797 A1	07/05/01	Kumagai et al.			
	3.	2001/0026941 A1	10/04/01	Held et al.			
	4.	2002/0174874 A1	11/28/02	Williams			
	5.	2,479,526	08/16/49	Touton			
	6.	2,758,603	08/14/56	Heljo			
	7.	4,693,976	09/15/87	Schilperoort			
	8.	4,762,785	08/09/88	Comai			
	9.	4,821,747	04/18/89	Stuhl et al.			
	10.	4,885,248	12/05/89	Ahlquist			
	11.	4,940,838	07/10/90	Schilperoort et al.			02/23/84
	12.	4,945,050	07/31/90	Sanford et al.			
	13.	4,954,442	09/04/90	Gelvin et al.			
	14.	5,034,322	07/23/91	Rogers et al.			04/05/89
	15.	5,036,006	07/30/91	Sanford et al.			
	16.	5,100,792	03/31/92	Sanford et al.			
	17.	5,107,065	04/21/92	Shewmaker et al.			08/30/88
	18.	5,149,645	09/22/92	Hoekema et al.			
	19.	5,190,931	03/02/93	Inouye et al.			11/15/89
	20.	5,208,149	05/04/93	Inouye et al.			04/10/92
	21.	5,231,020	07/27/93	Jorgensen et al.			
	22.	5,254,800	10/19/93	Bird et al.			10/19/90
	23.	5,260,205	11/09/93	Nakatani et al.			11/14/90
	24.	5,272,065	12/21/93	Inouye et al.			06/21/90
	25.	5,283,184	02/01/94	Jorgensen et al.			
	26.	5,352,605	10/04/94	Fraley et al.			10/28/93
	27.	5,356,799	10/18/94	Fabijanski et al.			06/02/92

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

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		FILING DATE December 5, 2003	GROUP Unassigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	28.	5,365,015	11/15/94	Grierson et al.			07/12/90
	29.	5,369,023	11/29/94	Nakatani et al.			08/09/93
	30.	5,451,514	09/19/95	Boudet et al.			12/28/93
	31.	5,453,566	09/26/95	Shewmaker et al.			08/27/91
	32.	5,459,252	10/17/95	Conkling et al.			04/28/94
	33.	5,464,763	11/07/95	Schilperoort et al.			12/23/93
	34.	5,501,967	03/26/96	Offringa et al.			
	35.	5,530,196	06/25/96	Fraley et al.			09/02/94
	36.	5,610,288	03/11/97	Rubenstein			02/22/94
	37.	5,635,381	06/03/97	Hooykaas et al.			
	38.	5,668,295	09/16/97	Wahab et al.			03/03/95
	39.	5,684,241	11/04/97	Nakatani et al.			10/17/94
	40.	5,693,512	12/02/97	Finer et al.			
	41.	5,713,376	02/03/98	Berger			05/13/98
	42.	5,723,751	03/03/98	Chua			
	43.	5,731,179	03/24/98	Komari et al.			
	44.	5,759,829	06/02/98	Shewmaker et al.			06/05/95
	45.	5,767,378	06/16/98	Bojsen et al.			
	46.	5,776,502	07/07/98	Foulkes et al.			
	47.	5,776,771	07/07/98	Yu et al.			
	48.	5,803,081	09/08/98	O'Donnell, Jr. et al.			
	49.	5,810,020	09/22/98	Northway et al.			
	50.	5,830,728	11/03/98	Christou et al.			
	51.	5,834,236	11/10/98	Lamb et al.			
	52.	5,837,876	11/17/98	Conkling et al.			07/28/95
	53.	5,845,647	12/08/98	O'Donnell, Jr. et al.			

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	54.	5,851,804	12/22/98	Snyder et al.			
	55.	5,858,742	01/12/99	Fraley et al.			06/24/96
	56.	5,858,774	01/12/99	Malbon et al.			10/16/95
	57.	5,877,023	03/02/98	Sautter et al.			
	58.	5,929,306	07/27/99	Torisky et al.			
	59.	5,932,782	08/03/99	Bidney			
	60.	5,962,768	10/05/99	Cornelissen et al.			
	61.	5,976,880	11/02/99	Sautter et al.			
	62.	5,981,839	11/09/99	Knauf et al.			03/07/97
	63.	5,989,915	11/23/95	Christou et al.			
	64.	5,994,629	11/30/99	Bojsen et al.			
	65.	6,022,863	02/08/00	Peyman			
	66.	6,051,409	04/18/00	Hansen et al.			
	67.	6,051,757	04/18/00	Barton et al.			06/05/95
	68.	6,135,121	10/24/00	Williams			
	69.	6,153,811	11/28/00	Lowe et al.			
	70.	6,165,715	12/26/00	Collins et al.			
	71.	6,174,724	01/16/01	Rogers et al.			05/04/95
	72.	6,202,649	03/20/01	Williams			
	73.	6,255,560	07/03/01	Fraley et al.			01/11/99
	74.	6,265,638	07/24/01	Bidney et al.			
	75.	6,271,031	08/07/01	Falco et al.			08/09/99
	76.	6,281,410	08/28/01	Knauf et al.			01/15/99
	77.	6,303,847	10/16/01	Kawaoka et al.			
	78.	6,350,479	02/26/02	Williams et al.			
	79.	6,425,401	07/30/02	Williams			

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FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	80.	1 917 52	01.12.69	Germany				X
	81.	2 203 105	02.11.72	Germany				X
	82.	0 116 718 A1	29.08.84	EPO				
	83.	0 120 515 A2	03.10.84	EPO				
	84.	0 120 515 B1	03.10.84	EPO				
	85.	0 120 516 A2	03.10.84	EPO				
	86.	0 131 620 B1	23.01.85	EPO				
	87.	0 131 623 B1	06.03.91	EPO				
	88.	0 131 624 B1	23.01.85	EPO				
	89.	0 131 623 B2	23.01.85	EPO				
	90.	0 140 308 A2	08.05.85	EPO				
	91.	0 140 308 A3	08.05.85	EPO				
	92.	0 140 308 B1	08.05.85	EPO				
	93.	0 159 779 B1	30.10.85	EPO				
	94.	0 176 112 B1	02.04.86	PCT				
	95.	0 189 707 B1	06.08.86	EPO				
	96.	0 223 399 A1	27.05.87	EPO				
	97.	0 223 399 B1	27.05.87	PCT				
	98.	0 224 287 A1	03.06.87	EPO				
	99.	0 240 208 A2	07.10.87	EPO				
	100.	0 240 208 A3	07.10.87	EPO				
	101.	0 240 208 B1	07.10.87	EPO				
	102.	0 265 556 A1	04.05.88	EPO				
	103.	0 270 822 A1	15.06.88	EPO				
	104.	0 290 799 A2	17.11.88	EPO				
	105.	0 290 799 A3	17.11.88	EPO				
	106.	0 320 500 A2	14.06.89	EPO				

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							YES	NO
	107.	0 320 500 A3	14.06.89	EPO				
	108.	0 458 367 A1	27.11.91	EPO				
	109.	0 458 367 B1	27.11.91	EPO				
	110.	0 467 349 B1	22.01.92	EPO				
	111.	0 486 214 A2	20.05.92	EPO				
	112.	0 486 214 A3	20.05.92	EPO				
	113.	0 486 234 B1	20.05.92	EPO				
	114.	WO 84/02913	02.08.84	PCT				
	115.	WO 84/02919	02.08.84	PCT				
	116.	WO 84/02920	02.08.84	PCT				
	117.	WO 90/12084	18.10.90	PCT				
	118.	WO 91/02070	21.02.91	PCT				
	119.	WO 92/15680	17.09.92	PCT				
	120.	WO 93/05163	18.03.93	PCT				
	121.	WO 93/05646	01.04.93	PCT				
	122.	WO 93/17116	02.09.93	PCT				
	123.	WO 94/20627	15.09.94	PCT				
	124.	WO 94/26913	24.11.94	PCT				
	125.	WO 94/28142	08.12.94	PCT				
	126.	WO 95/16031	15.06.95	PCT				
	127.	WO 95/34668	21.12.95	PCT				
	128.	WO 95/35388	28.12.95	PCT				
	129.	WO 96/21725	18.07.96	PCT				
	130.	WO 97/05261	13.02.97	PCT				
	131.	WO 97/08330	06.03.97	PCT				
	132.	WO 97/12046	03.04.97	PCT				
	133.	WO 97/32016	04.09.97	PCT				
	134.	WO 97/41892	13.11.97	PCT				

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							YES	NO
	135.	WO 97/44450	27.11.97	PCT				
	136.	WO 97/49727	31.12.97	PCT				
	137.	WO 98/05757	12.02.98	PCT				
	138.	WO 98/30701	16.07.98	PCT				
	139.	WO 98/32843	30.07.98	PCT				
	140.	WO 98/56932	17.30.98	PCT				
	141.	WO 99/10512	04.03.99	PCT				
	142.	WO 99/14348	25.03.99	PCT				
	143.	WO 99/25854	27.05.99	PCT				
	144.	WO 99/32619	01.07.99	PCT				
	145.	WO 99/32642	01.07.99	PCT				
	146.	WO 99/49029	30.09.99	PCT				
	147.	WO 99/53050	21.10.99	PCT				
	148.	WO 99/61631	02.12.99	PCT				
	149.	WO 00/12735	09.03.00	PCT				
	150.	WO 00/18939	06.04.00	PCT				
	151.	WO 00/29566	25.05.00	PCT				
	152.	WO 00/37060	29.06.00	PCT				
	153.	WO 00/37663	29.06.00	PCT				
	154.	WO 00/63398	26.10.00	PCT				
	155.	WO 00/67558	16.11.00	PCT				
	156.	WO 01/09302	08.02.01	PCT				
	157.	WO 01/38514	31.05.01	PCT				
	158.	WO 01/44482	21.06.01	PCT				
	159.	WO 01/49844	12.07.01	PCT				
	160.	WO 01/51630 A1	19.07.01	PCT				
	161.	WO 01/68836 A2	20.09.01	PCT				

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							YES	NO
	162.	WO 01/77350 A2	18.10.01	PCT				
	163.	WO 02/00927	03.01.02	PCT				
	164.	CA 1,341,091	05.09.00	Canadian Intellectual Property Office				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	165.	Adams et al., "Biogenesis and Chemistry of Alkaloid-Derived N-Nitrosamines," <i>Abstracts of Papers</i> , 184 <sup>th</sup> ACS National Meeting, Kansas City, Missouri, September 12-17, 1982.
	166.	Adams et al., "On the pharmacokinetics of tobacco-specific N-nitrosamines in Fischer rats," <i>Carcinogenesis</i> , 6:509-511 (1985).
	167.	Adams et al., "Pharmacokinetics of Tobacco-Specific N-Nitrosamines," , N-Nitroso Compounds: Occurrence, Biological Effects and Relevance to Human Cancer, Proceedings of the VIIIth International Symposium on N-Nitroso Compounds held in Banff, Canada, 5-9 September 1983, IARC Scientific Publications No. 57, pp. 779-785.
	168.	Adams et al., "Tobacco-Specific N-Nitrosamines in Dry Snuff," <i>Fd Chem. Toxic.</i> , 25(3):245-246 (1987).
	169.	Adams et al., "Tobacco-Specific Nitrosamine Accumulation in Different Genotypes of Burley Tobacco at Different Stages of Growth and Air-Curing," <i>TCRC</i> (1987).
	170.	Adams et al., "Toxic and carcinogenic agents in undiluted mainstream smoke and sidestream smoke of different types of cigarettes," <i>Carcinogenesis</i> , 8(5):729-731 (1987).
	171.	Andersen et al., "Accumulation of 4-(N-Methyl-N-nitrosamino)-1-(3-pyridyl)-1-butanone in Alkaloid Genotypes of Burley Tobacco During Postharvest Processing: Comparisons with N'-Nitrosononotinine and Probable Nitrosamine Precursors," <i>Cancer Research</i> , 45:5287-5293 (1985).
	172.	Andersen et al., "Effect of Storage Conditions on Nitrosated, Acylated, and Oxidized Pyridine Alkaloid Derivatives in Smokeless Tobacco Products," <i>Cancer Research</i> , 49:5895-5900 (1989).
	173.	Andersen et al., "Effects of Air-Curing Environment on Alkaloid-Derived Nitrosamines in Burley Tobacco," <i>In Relevance of N'-Nitroso Compounds to Human Cancer: Exposure and Mechanisms</i> ; Bartsch, H., O'Neill, I.K., Shultz-Hermann, R., Eds.; IARC Scientific Publication No. 84; World Health Organization; Lyon, 1987, pp.451-455.
	174.	Andersen et al., "Levels of Alkaloids and Their Derivatives in Air- and Fire-Cured KY 171 Dark Tobacco During Prolonged Storage: Effects of Temperature and Moisture," <i>Tobacco Science</i> , 34:60-56 (1990).
	175.	Andersen et al., "N'-Acyl and N'-Nitroso Pyridine Alkaloids in Alkaloid Lines of Burley Tobacco during Growth and Air-Curing," <i>J. Agric. Food Chem.</i> , 37(1):44-50 (1989).
	176.	Andersen et al., "pH Changes in Smokeless Tobaccos Undergoing Nitrosation," <i>ACS Symposium Series 553, Nitrosamines and Related N-Nitroso Compounds</i> , 29:320-321 (1994).
	177.	Andersen et al., "Total Carbonyls and Phenols in Experimental Burley and Bright Tobacco," <i>J. Agric. Food Chem.</i> , 27(4):891-895 (1979).
	178.	Atawodi et al., "Tobacco-specific nitrosamines in some Nigerian cigarettes," <i>Cancer Letters</i> , 97:106 (1995).
	179.	Bay et al., "The Nitrosation of Hexetidine and Hexetidine and Hexedine: Characterization of the Major Nitrosamine from Common Antimicrobial Agents," <i>Chem. Res. Toxicol.</i> , 7(6):868-876 (1994).
	180.	Beck et al., "Nucleotide Sequence and Exact Localization of the Neomycin Phosphotransferase Gene from Transposon Tn 5," <i>Gene</i> , 19: 327-336 (1982).

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EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	181.	Bevan & Flavell, "A Chimaeric Antibiotic Resistance Gene as a Selectable Marker for Plant Cell Transformation", <i>Nature</i> , 304: 184-187 (1983).
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